

RURAL DEVELOPMENT COMMITTEE

Tuesday 16 January 2001
(*Afternoon*)

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CONTENTS

Tuesday 16 January 2001

Col.

INTERESTS	1607
EUROPEAN FISHERIES NEGOTIATIONS	1611
PROTECTION OF WILD MAMMALS (SCOTLAND) BILL: STAGE 1	1612
SUBORDINATE LEGISLATION.....	1622
WORK PROGRAMME	1628
AGRICULTURE INQUIRY.....	1633

RURAL DEVELOPMENT COMMITTEE

1st Meeting 2001, Session 1

CONVENER

*Alex Johnstone (North-East Scotland) (Con)

DEPUTY CONVENER

*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

COMMITTEE MEMBERS

*Mrs Margaret Ewing (Moray) (SNP)

*Alex Fergusson (South of Scotland) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

*Richard Lochhead (North-East Scotland) (SNP)

*Mrs Mary Mulligan (Linlithgow) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

CLERK TO THE COMMITTEE

Richard Davies

SENIOR ASSISTANT CLERK

Tracey Haw e

ASSISTANT CLERK

Jake Thomas

LOCATION

The Chamber

Scottish Parliament

Rural Development Committee

Tuesday 16 January 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:03*]

The Convener (Alex Johnstone): Ladies and gentlemen, welcome to the chamber. We are meeting here simply because of scheduling arrangements, but given that we are not taking evidence today, it is a little awkward to find ourselves in this strange position. However, I will try to avoid getting a crick in my neck and we will continue.

Interests

The Convener: We have a full turnout of the new committee, which brings us to item 1 of the agenda. I welcome our new members—Mary Mulligan, Margaret Ewing, Cathy Jamieson and Jamie Stone—and invite them to make any declarations of interests that they think are relevant to the committee.

Mrs Margaret Ewing (Moray) (SNP): I continue to serve as a member of the Westminster European Scrutiny Committee. As part of our agenda today involves European matters, I thought that I should make clear my membership of that committee. I resigned from the committee last July, but my resignation has not been accepted so far, because a replacement cannot be found. I do not know whether that is flattery or a comment on Westminster's procedures.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I do not have any registrable interests, but it is important for members to note that, as a Labour and Co-operative member, I have links with the Co-operative movement and that the Co-operative Wholesale Society has extensive farming interests throughout the UK.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Apart from certain dairy interests, I have an interest in a small amount of land. Farming crosses my bows slightly, via my mother.

Mrs Mary Mulligan (Linlithgow) (Lab): It is worth putting on record that I have no registrable interests to declare at this meeting.

The Convener: Thank you.

There have been one or two changes to the committee's membership over recent months, so

we have a number of outstanding reporter positions that we must ensure are filled properly.

Duncan Hamilton and John Munro were our reporters on the continuing inquiry by the Enterprise and Lifelong Learning Committee into differential petrol pricing. How is that investigation progressing, Rhoda?

Rhoda Grant (Highlands and Islands) (Lab): It has pretty much ground to a halt. Our last meeting was postponed pending the outcome of the Office of Fair Trading report. The OFT has reported, but I have been given no further information about if or how the Enterprise and Lifelong Learning Committee wishes to proceed.

The Convener: Do members think that it is necessary to replace those two reporters at this stage?

Richard Lochhead (North-East Scotland) (SNP): We should use this opportunity to replace them.

Dr Elaine Murray (Dumfries) (Lab): As a point of information, I used to be on the Enterprise and Lifelong Learning Committee. The inquiry was at the stage where a certain amount of evidence had been taken in private by a group of reporters from that committee. The inquiry has not ceased; rather, some dialogue took place between the convener, a representative of each of the political parties and the retailers. At some point, the Enterprise and Lifelong Learning Committee will take up the inquiry again, so it will probably be worth while having reporters available.

The Convener: In that case, we will appoint replacements for those positions, which were filled by an SNP member and a Liberal Democrat member. It would be appropriate for us to replace them with representatives of the same parties. Are there any nominations?

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I will quickly nominate Jamie Stone.

Richard Lochhead: I will also be quick: I nominate Fergus Ewing.

The Convener: Do those nominations meet with the committee's agreement?

Members indicated agreement.

The Convener: Jamie Stone and Fergus Ewing will take over those reporters' roles.

With Alex Fergusson, Cathy Peattie served as a reporter on the petition from the Scottish Homing Union. Can you give us an update on that, Alex?

Alex Fergusson (South of Scotland) (Con): The petition has lurched from one position to another and has been difficult to deal with. We

were meant to meet Helen Eadie from the Transport and the Environment Committee, but every time we arranged to do so, another report was due to enter the public eye or a meeting was due to take place between the Scottish Homing Union and Scottish Natural Heritage. To be frank, we did not get anywhere. However, the issue has not gone away, so it would be appropriate to appoint another reporter, in the hope that we can make progress.

The Convener: We must replace Cathy Peattie, as she has moved on. As members are aware, we try to maintain party balance and, for that reason, it would be appropriate to replace Cathy with a member of the Labour group. Are there any nominations?

Dr Murray: I will replace Cathy Peattie.

The Convener: Not a nomination but a volunteer—Dr Elaine Murray has volunteered to take on that role. Are members agreed?

Members indicated agreement.

The Convener: Section 9.4 of the MSPs' code of conduct states that all draft committee reports should be kept confidential to members of the committee only, unless the committee specifies otherwise. Would the committee be happy for former members of the committee, who have taken an active part in preparing reports that are yet to be completed and published, to be given the opportunity to comment on draft reports at the appropriate time?

I have in mind a specific instance. Given the changes to the committee's membership, barely half of the members who started the investigation of the Protection of Wild Mammals (Scotland) Bill will still be members of the committee when we prepare our final report. For that reason, it would be appropriate for us to ensure that previous members of the committee have an opportunity to comment on the draft report. Does the committee agree to that suggestion?

Members indicated agreement.

Mrs Ewing: Will those members also be restricted in the comments that they may make on confidential matters?

The Convener: Yes. They would be restricted to receiving confidential written draft reports and making written comments on those reports for consideration by the committee.

Alex Fergusson: The subject of substitutes has been in the air recently. Do we have any idea of the timetable for the acceptance of substitutes and whether they will also be party to confidential papers?

The Convener: I am not in a position to comment on that.

Mr Rumbles: Would that apply to other outstanding reports, not just to the stage 1 report on the Protection of Wild Mammals (Scotland) Bill?

The Convener: Indeed it would.

European Fisheries Negotiations

The Convener: We expected to take evidence today from the Deputy Minister for Rural Development, Rhona Brankin, on the issues that were raised in the December fisheries conference. I was contacted before the weekend, and involved in discussions yesterday at which it was suggested that it might be appropriate to delay that evidence, to allow Rhona Brankin and her officials to take part in the negotiations relating to the cod recovery plan, which are taking place this week. Those negotiations are pertinent to our discussions and I accepted the minister's apologies for being unable to be here today, given the importance of such negotiations to Scotland's fishing industry.

There is an opportunity for the minister to attend the committee on 30 January. Would members like to meet the minister on that day to discuss the issues?

Richard Lochhead: Yes. I support that suggestion. If anything, it might be even more useful to hear from the minister on 30 January than this week, because she will be able to update us on the talks that are currently under way.

The Convener: Do we agree to invite the minister to attend the committee on 30 January to discuss those issues?

Members indicated agreement.

Mrs Margaret Ewing: Given that there will be an Opposition debate on fisheries on Thursday, we should ensure that a full statement on the negotiations is made available to all members of the Parliament before that debate.

The Convener: I understand that there is no guarantee that it will be possible to report on progress by that time. However, it would be sensible for me to write to the minister with that request, if it were possible for it to be achieved. I will do that.

Protection of Wild Mammals (Scotland) Bill: Stage 1

The Convener: Everybody should have received copies of the written submissions that were solicited from several organisations. Richard Davies has prepared a paper that raises certain questions that may be pertinent to that written evidence.

Does the committee accept that all the submissions, as additional invited evidence, should be published on our web page?

Members indicated agreement.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The provenance of the submissions was that members suggested that the bodies that have been approached should provide written evidence to the committee before appearing before the committee. It was agreed that it would be sensible to obtain written submissions so that we could start off with a clear idea of the approach and practice of each of those bodies. Having read the submissions, I think that serious questions are unanswered and should be put to those bodies. Rather than labour the matter today, and pursue the questions that have been prepared by the clerks—who have identified many important questions—it would be sensible to hear evidence from the bodies at a future date, so that we could put the questions to them at that time.

14:15

The Convener: Fergus Ewing raises the question whether we need to take further oral evidence and that demands a brief discussion. We have had comprehensive written responses and we need to progress quickly to our report. I would be interested in members' views on how we should do that.

Mr Rumbles: I read the same submissions as Fergus Ewing did and came to different conclusions. To give an example, we received a letter from Stuart Housden, the director of RSPB Scotland, who says:

"I am willing to assist the Committee by giving further evidence if required, although I must point out there is little I can add to the substance of this letter. Nor indeed are we able to comment on hunting issues."

The committee has had many discussions about taking further evidence. I do not want to get technical, but the committee made several decisions before Christmas, such as that we would aim to receive the submissions by the end of November and reach our conclusions by the end of December. It was agreed that our final evidence session would be in Dumfries, but the members

who attended the Dumfries meeting decided to ask for a further evidence session. This has gone on long enough. We have a comprehensive set of oral and written evidence—indeed we have a surfeit of evidence. It is incumbent on the committee to make progress on the matter. Surely we have enough evidence to allow the clerks to draft a report for us to consider as soon as possible?

Dr Murray: My conclusions are similar to those of Mike Rumbles. We are in danger of going round in circles. We are required to submit a stage 1 report and I do not feel that there is anything further that we could obtain from oral evidence that would better inform us on the general principles of the bill. We might want to revisit some of the organisations if the bill reaches stage 2 and we are considering amendments. Nothing further would be gained by hearing additional oral evidence, although a case could be made for the promoter and sponsor of the bill having a final opportunity to answer some of the points that have arisen in the course of the inquiry.

Richard Lochhead: I thought that we had already had this debate and had decided to have one final session of oral evidence. Elaine Murray has voiced reservations, but has also said that there is case for taking more oral evidence.

The Convener: We decided that it was necessary to seek further evidence on certain subjects that had been identified and that we would consider that evidence and decide what steps to take. We have spoken about the possibility of an additional oral evidence session. However, it is for the committee to decide whether that is necessary.

Alex Fergusson: My understanding was that an additional oral evidence session would not hold up the drafting of the stage 1 report. The committee decided that extra evidence should not hold up the report and that any answers that we needed to seek at another oral evidence session could be slotted into the draft report. Has the situation changed? If, as the pink paper suggests, there are some further questions that are worth asking, why can we not go ahead with both the evidence and the draft report, without delaying anything at all?

Mr Stone: I do not have the background knowledge on the matter that other members have. However, I have attended the committee from time to time, and it appears to me that the committee has taken a great deal of evidence. People out there are somewhat critical of the Rural Development Committee. People in my constituency have asked me why the committee is not getting on with land reform and tackling problems in agriculture, fishing and so on. There is a lack of sympathy for the committee because of the amount of time that it is spending on this

matter. I do not know what the committee has done so far, but it would behove us to be rather more speedy and to get on to other things. We are being watched and people cannot understand why we are spending so much time on this issue when there are bigger problems out there.

Alex Fergusson: I acknowledge that Mr Stone has attended the committee more than once, but there is a difference between being speedy and being thorough. Considering the impact that the bill will have, it would be absolutely appalling for the committee to be anything other than thorough. I contend that we have been nothing less than thorough, as we should have been.

Cathy Jamieson: Like Jamie Stone, I have not attended every meeting of this committee, but I have followed the debate closely by means of the evidence that has been produced and the website. A huge amount of written evidence has been received and we know what the issues are. If issues required factual clarification, we could obtain written evidence by posing specific and pertinent questions to the organisations. That might be more helpful than having another session of oral evidence, possibly delaying the drafting of the committee's report. I do not know whether the clerks would be able to produce a draft report without considering all the evidence.

Rhoda Grant: I agree. I suggested that we ask for written evidence before we asked for oral evidence, and I am happy with the submissions that we have received. They were not intended to inform our questioning, but to determine whether we needed to take oral evidence from those organisations. We should now move ahead and start drafting our report.

The Convener: As convener, I know that we need to move ahead briskly to the preparation and completion of our stage 1 report, and I am reluctant to take any step that might delay that. Without doubt, the written evidence that we have received raises a number of questions. Do members feel that it might be possible to obtain adequate answers to those questions through further correspondence?

Mr Rumbles: That is a very good suggestion, as that would not delay the clerks in their drafting of the report. It would be wrong for the clerks to embark on drafting the report if we intended to take further, formal oral evidence.

Fergus Ewing: In the timetable for consideration of the bill as it was previously discussed, had we not slotted in a period for taking evidence from these witnesses, from the promoter and the sponsor of the bill and from the minister?

The Convener: We discussed that, and that session is provisionally planned for next week, although that would be relatively short notice.

Those who were approached for written evidence were informed that there was a possibility that we might choose to take oral evidence on 23 January, so they were prepared for it. The minister's on-going responsibilities, of which we are all aware, have interfered with her timetable.

Fergus Ewing: So is the minister not coming to the committee next week because of other commitments?

The Convener: That would be the case.

Fergus Ewing: What is planned for the committee next week, convener?

The Convener: At the moment, we have spaces on the agenda. We have scheduled further evidence on the Protection of Wild Mammals (Scotland) Bill.

Fergus Ewing: I have sympathy for what other members have said about wanting to see this through, although I share Jamie Stone's concern that many people in Scotland would like us to tackle other matters, which some may regard as of more pressing concern. Be that as it may, we have a job to do on a member's bill and we must be thorough.

A number of unanswered questions have been identified not by members, but by the clerks. Given that we have planned and discussed the matter at length and that we have clearly anticipated and scheduled next week's meeting as a day for taking supplementary evidence, I think that we should proceed in that way. The short letter that the RSPB has submitted raises several unanswered questions.

If we had intended to take evidence next week—as I understand we did—and if we have nothing else planned, what would we lose by going ahead as planned? I am not suggesting that we prolong the evidence taking indefinitely, but we should proceed as we have agreed on two or three occasions. Now that we have the benefit of the written submissions, we should ask a few supplementary questions of these witnesses. That would be especially useful because they are public bodies, and we want to know how public bodies control foxes. We want answers to such questions, which are not clear from the submissions that we have received.

Richard Lochhead: I am puzzled, for two reasons. Jamie Stone's point, that some people want us to move on to a different topic, is probably true; but for every person who wants us to move on to a different topic there are probably 10 who want us to compile our report properly and not rush it through.

The written evidence that we have received is very useful, as it raises further questions and is nothing compared with the written evidence that

we received from other organisations whom we subsequently invited to give oral evidence. As we have already agreed to hold a final session of oral evidence taking, surely we should proceed with that and start discussing who we want to invite.

The Convener: The fact that we scheduled time reflects proper management of the committee's time. It is not necessary to use up that time.

Mr Rumbles: I cannot believe some of the phrases that I am hearing. When was the bill presented to us—back in April?

The Convener: It was formally presented on 4 April.

Mr Rumbles: We have been thorough in our approach to the bill. We could not accept the criticism that our investigation has not been thorough, competent and effective.

Fergus Ewing: Not according to Jamie Stone. He says that the committee is having a hard time over it.

Mr Rumbles: Deputy convener, would you mind not interrupting?

We have received up to 4,000 pieces of written evidence and we could take further oral evidence from many organisations from which we have not taken such evidence, if that was necessary.

My point—I have been making it since September—is that we need to get on with the report. I made the point in September and October. We agreed in private session—and confirmed in the debate on 14 November—that our final evidence session would be held during the meeting in Dumfries. It seems that, whenever we agree to hold a final evidence session, we take the evidence and decide to have further evidence sessions. That could go on for ever, unless we draw the process to a close. We have held six evidence-taking sessions so far. How many such sessions have we held on other bills?

Alex Fergusson: I cannot just sit back and take that. When we agreed to hold three themed oral evidence sessions, it was always our intention to leave room for a sweeping-up session at the end of the process. I cannot accept Mike Rumbles's assertion that that was not the case. That is what was agreed, and he knows it.

Mr Rumbles: That session was held during the Dumfries meeting, was it not?

Alex Fergusson: No. The Dumfries meeting was always going to be the fourth in the organised series of four themed meetings that we agreed to hold. We always allowed for an extra meeting—that is a fact. I am not arguing whether it would be a good idea to hold a further meeting, but that we always allowed for that to happen.

Mr Rumbles: Why, then, did Alex Fergusson agree with me in September, when I moved that we did not need to proceed by taking oral evidence? Suddenly, he is saying that we need to take even more.

Alex Fergusson: I agreed entirely with Mike Rumbles that there was enough in the written evidence without our taking oral evidence. However, the committee did not agree with that: the committee agreed to take further evidence, so let us do so.

Mrs Mulligan: I am coming to this debate late and I am still reading through all the written evidence. If I am to be convinced that we need another session of oral evidence, I would like to know what Fergus Ewing thinks is still missing which we can get only through oral evidence and not from a written submission, as any outstanding questions could be replied to in writing.

Fergus Ewing: I do not know whether Mary Mulligan has had a chance to read the paper that the clerks prepared. I do not think that members would like me to read it out, but if she looks at it she will see that, in respect of the evidence that we have taken, there are a number of supplementary questions that the clerks have suggested to the committee. If one accepts that the clerks have done so without prompting by me or anyone else, that paper must be taken as answering her question.

14:30

Mary Mulligan wants to know what questions I want to ask. I mentioned the RSPB. The information that I have from the RSPB is—shall we say—incomplete with respect to one of its estates. Members may be interested to know there was a severe problem with the preservation of capercaillie on an RSPB estate because it ceased fox control. So severe was the problem that the RSPB had to reintroduce fox control to serve the purpose for which that body was formed. None of that appears in the very brief letter that we received from the RSPB, which surprised me.

I would like to know more about the facts so that I can get at the truth. I would also like to pursue many of the questions that are in the paper. It would not be sensible for me to read out the paper, but I think that all members will accept that it sets out a large number of questions that they will wish to pursue. We have already allocated time for this. We discussed the matter before the new members joined the committee and agreed that there should be such a session. It seems pointless to cancel this opportunity, as we have no scheduled business to replace it and the meeting is just next week. I hope that members will agree that there is nothing to be gained from cancelling a

session that, as Alex Fergusson said, we always had planned and agreed to as sweeping-up session.

Mrs Mulligan: I understand that Fergus Ewing is saying that there are questions outstanding. Although I appreciate that the clerk is suggesting issues, there are other members whose questions seem to have been answered satisfactorily. He still has not said why those questions have to be answered in an oral evidence session rather than just in writing.

Fergus Ewing: I would like to have the chance to question witnesses who are here and to put questions orally. If Mary Mulligan's answer were pursued to its conclusion, the work of the Parliament would be done by means of written evidence. I speak as someone who has spent about 20 years taking oral evidence. The procedure of taking evidence is that it is done orally, so that all members can form a view as to the demeanour of witnesses and the reliability of the evidence that is presented.

I do not recall that everything was done in writing when the Education, Culture and Sport Committee took evidence in the Scottish Qualifications Authority inquiry. As I recall, the convener of that committee was keen to take oral evidence from witnesses, and I commend her for so doing. This is a cul-de-sac. The way to test evidence is to conduct cross-examination orally. I am surprised that the coalition members of the committee are making an issue of something that had been agreed, which is a procedural matter of mundane routine and which is certainly unexceptionable.

Mrs Mulligan: I did not approach this issue with my mind made up. I looked for information from Fergus Ewing that would sway me in his direction. Unfortunately, the way in which he has answered has swayed me in the opposite direction. I am as open to taking oral evidence as anybody, but it has to be done for a specific reason. We do not need to take oral evidence just because an oral evidence session is in the diary.

Cathy Jamieson: Mary Mulligan has asked some of the questions that I was going to ask. If anything, Fergus Ewing has helped me to make my mind up. This is about a balance of written and oral evidence. As a new member of the committee, I think that if Fergus's argument is that one can judge evidence only on the basis of the demeanour of witnesses and how they present their evidence to the committee, we would have to go through the whole performance again because some of us were not here. I am prepared to take on trust the work that has been done. It is clear that a considerable amount of work has been done. The clerks have done their job by flagging up issues that should be pursued. Fergus, of all

people, should know the amount of information that can be obtained by written questions, as he lodges plenty of them in the Parliament.

At this point, we should try to move on. We have taken a huge body of evidence. Surely all of us can identify any questions that we wish to be asked and pass them to the clerk so that they can be posed. I am not one for meeting just for the sake of it. If we do not require a meeting next week, we should not hold one, but should allow the clerks to get on with drafting the report.

Dr Murray: Fergus Ewing said that information supplied by the RSPB is incomplete. My first feeling on that is that we could ask some of the questions in writing. Is Fergus Ewing arguing that any information that the RSPB could give him on this would affect his view of the general principles of the bill? This stage is not about sifting through the minutiae; we are reporting on the general principles. We will not all hold the same opinion, but we have sufficient information to do what is required of the committee at the moment—possibly we should request a little more detail on costs and so on so that we can assess some of the other evidence that we have taken.

On Jamie Stone's point, in the next few weeks, the House of Commons will achieve the third reading of the Hunting Bill, while we are still faffing around at stage 1. We have not managed to bring the bill before Parliament. We need to get a move on.

Mrs Margaret Ewing: Having served on many committees over the years, I am listening to this discussion with great interest. There are two aspects to this matter. First, there are new members on the committee who have not had the privilege of listening to oral evidence. I was astounded to be told that the meeting in Dumfries was the final oral evidence session. There is a need for new members to listen to some of the people who are presenting oral evidence. I do not think that one session will make much difference.

The second aspect is the time scale. I am sure that all our colleagues, irrespective of their party and their views on the bill, are keen for a decision to be taken at some point. We will have to pass this to Parliament at some point. Does a week make a difference? How far are we behind the Justice and Home Affairs Committee, which has made its recommendations? Will it make a huge difference to the Scottish Executive's programme if we hold one more oral session on the bill? I think that it would not make much difference. Such a session would give new members much more of a flavour of the discussions that have taken place.

Rhoda Grant: We have discussed this at great length. I move that we ask for additional written evidence and take no further oral evidence.

Richard Lochhead: I am struck by the new-found resistance to the taking of oral evidence since the new year. I return to the evidence, which is the substance of what we are talking about. One reason why we requested additional written evidence from these organisations is that it dawned on us a few weeks ago that we did not have input from major landowners in Scotland who perhaps encounter problems with fox control. We realised that we had to fix that omission, so we requested some written evidence.

We have now received a lot of oral evidence from landowners in Scotland who oppose the bill and think that it will be bad for their land management practices—that view has been expressed in almost every bit of evidence that we have taken from landowners. For the first time, we have received written submissions from major landowners who say that the bill might not have any impact. It is important to have a balanced attitude to this subject. We should ask those landowners to give oral evidence for an hour and a half or two hours next week. We should explore with them the issues that we explored with those other major landowners who gave written and then oral evidence. There are two, different, approaches from landowners, which we should treat equally.

Mr Rumbles: Every time we reach the end of oral evidence, we agree to another session. If Richard Lochhead and Fergus Ewing persuaded the majority of the committee to have another oral evidence session, I am convinced that we would then be in exactly the position that we are in now. We had this debate two meetings ago. I hesitate to use the word filibustering—and I am not accusing anyone of it—but we are coming close to it. We would bring the committee into disrepute if we went down that route. Most members have indicated that they feel that we should make a decision. You should bring this matter to a close, convener.

The Convener: I am content that everyone has had their say by now. We have the provision to take oral evidence next week. If we decide to take that opportunity it may ultimately result in slowing the process down. We have to decide to take oral evidence next week or that it is inappropriate to do so at this stage. Would members prefer to vote on the subject?

Members indicated agreement.

The Convener: The question is, that we take oral evidence next week.

FOR

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fergusson, Alex (South of Scotland) (Con)
Lochhead, Richard (North-East Scotland) (SNP)

AGAINST

Grant, Rhoda (Highlands and Islands) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley)
 (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine)
 (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)
 (LD)

ABSTENTIONS

Johnstone, Alex (North-East Scotland) (Con)

The Convener: The result of the division is: For 4, Against 6, Abstentions 1.

It will therefore be necessary to clarify certain issues that have been raised by the evidence. Would it be in order to ask members who have further questions to submit them to the clerks, so that they can be answered in the shortest possible time scale?

Members indicated agreement.

Mr Rumbles: With the caveat that further written questions are to be submitted and answers received, can I confirm that we are now at the end of the evidence session?

The Convener: Yes. I assume that we are now approaching the end of the evidence procedure.

Dr Murray: The promoter and sponsor of the bill might like to respond to the points that have been made. Perhaps we could write to Mike Watson to ask him whether, having considered the evidence before us, he wants to make any final written comments in support of the bill.

The Convener: If no member wishes to comment on that, I have no objections to inviting them to come before the committee. We could fit that in on 30 January—

Rhoda Grant: I think Elaine Murray was asking whether we could ask them for written evidence. They can put in writing their comments on the evidence we have taken, so that there is no need for another oral evidence session.

Dr Murray: My motivation was more to give them the opportunity to come back to us with their arguments on any issues that were raised with us while we were taking evidence; they could do that in writing.

The Convener: We should approach them and ask them to submit any comments in writing. Does that meet with the full approval of members?

Members indicated agreement.

The Convener: If there are no further comments, that takes us to the end of item 3.

Subordinate Legislation

14:45

The Convener: Two instruments are before the committee today: the Sheep and Goat Identification (Scotland) Regulations (SSI 2000/418) and the Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000 (SSI 2000/429). Both instruments are to be dealt with under negative procedure. We are required to report on them by 22 January, so this is the last opportunity for us to comment.

Members should have a copy of the regulations. The Subordinate Legislation Committee had no comment to make on the Sheep and Goat Identification (Scotland) Regulations, but on the Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000, it drew our attention to the Executive's response as providing the explanation requested and the recommendation is that we consider asking the Executive for further clarification on the status of the deductions.

Are there any comments on the Sheep and Goat Identification (Scotland) Regulations?

Alex Fergusson: In my former life, as president of the Blackface Sheep Breeders Association, we were preoccupied in putting forward the desires of the industry on the compulsory identification of sheep through tagging. I have to say that the eventual outcome of this regulation, which is that you have to identify sheep when they leave the holding of their birth, was the outcome that the industry was looking for if the status quo could not be preserved. However, when it comes to the regulation there are some interesting differences, especially when compared with the regulation that was introduced south of the border.

To my mind, the differences mean that the regulation as it is applied in Scotland is considerably more bureaucratic and dictatorial than is that south of the border. For example, paragraph (5) of regulation 5 on records for specified sheepmeat producers, states:

"All records relating to sheep required by virtue of regulation 4 and this regulation shall be kept together in the form of a single document."

That regulation does not apply south of the border. I cannot for the life of me understand why it should apply in Scotland. Similarly, in paragraph (4), there is a requirement in Scotland for regulations to be retained for six years, whereas in England it is four. Again, I cannot understand why there is a difference.

Regulation 18, paragraph (2), in part V of the instrument—which does not apply to the instrument south of the border—describes the powers of the inspector. The powers that the inspector has in Scotland

“to enter at all reasonable hours any land or premises”

and the requirement for the owner of the sheep to collect and pen his sheep are somewhat draconian and unnecessary.

Having been involved in the sheep world all my life until two years ago, I know that what is a reasonable hour for a department inspector and a sheep farmer is not necessarily the same. There have been problems when counting sheep for a subsidy claim. There are huge problems if you are asked to count your sheep during lambing time; that has been happening more and more. If people are going to be asked to do the same thing in connection with this instrument, I fear that it will create more ill will between the farmer and department inspectors. I do not think that anybody wants to create more ill will.

I have great difficulties with those regulations, but I do not see what options we have other than to allow the instrument to pass. If there are options, I would be grateful if the convener could advise me what they are.

Fergus Ewing: I endorse the criticisms that Alex Fergusson has made, which I had the opportunity to discuss with a number of sheep farmers in Daviot on Friday evening. They were concerned that these regulations will introduce a new layer of bureaucracy. While the purpose of traceability and origin are desirable for export purposes and for identifying produce as Scottish, there seems to be an element of gold plating—in other words, additional regulation in Scotland that is not found in England.

Given Alex Fergusson's experience and the fact that these rules have been identified as more onerous than those that are to apply south of the border, it would be useful to conduct a comparison and get an explanation from the Executive of why it has been necessary to propose regulations in Scotland that are not in the equivalent regulations that apply in England. I am sure that we all believe in removing bureaucracy and red tape where possible, rather than in creating it, which is what these regulations do.

I understand that this statutory instrument brings into force the European regulation—which we have before us—that follows council directive 92/102/EEC. The statutory instrument provides not only for powers to be granted to inspectors but, under regulation 19, covers a number of offences. Sheep farmers who breach the rules could find themselves liable to pay a fine. Article 9 of the European directive does not state that offences

have to be introduced; it simply states:

“Member States shall adopt necessary administrative and/or penal measures to punish any infringement of”

the rules.

If it is not necessary to criminalise behaviour under European law, in so far as any infringement can be dealt with through administrative measures, why is the Executive providing for offences?

Perhaps I have misread or misunderstood the documents, and perhaps it is necessary under European law to create new crimes in respect of which sheep farmers and others may be accused, but if that is not necessary I think that the farming community would expect us to get to grips with this matter. I for one would be very concerned if this matter went further without additional scrutiny.

Mr Rumbles: Alex Fergusson raised some interesting points, pointing out the differences relating to regulation 5: in England, the pertinent records have to be retained for four years, whereas there is a requirement to hold them for six years here. There is also the administrative difference of holding those records in a single document—which I do not think is exactly onerous. I understand that people feel that there is a problem with additional bureaucracy, but I do not think that it is worth holding up this statutory instrument for that.

I would like more information from Alex Fergusson on his more substantive point, if he would not mind. He said that the power of the inspectors here, under regulation 18(2), is different from those granted to inspectors in England. He did not explain to the committee in what way the powers are different. Could Alex enlighten us?

Alex Fergusson: I will try to do so very simply if I may, convener. None of part V of the regulations exists in the equivalent English instrument. The other difference is that, under the Scottish regulations, an inspector is defined, under part I, regulation 2; he is not under the English instrument. I think that a requirement for an exact definition of who the inspectors are is a good thing, but the powers of inspectors are not laid out for Scotland as they are in the English instrument.

Mr Rumbles: That is my point. Can Alex Fergusson enlighten the committee on how the statutory instrument in England would be enforceable? Surely the purpose of the instrument is one of enforcement.

Alex Fergusson: My query is about the difference between the measures and about why we need such a draconian instrument here in Scotland if a less draconian one is deemed to be satisfactory elsewhere.

Mr Rumbles: I am asking what—to use your terminology—the less draconian measure is. You do not seem to be aware of it.

Alex Fergusson: That is why I want to ask the question—because I do not know what the reasoning is.

Mr Rumbles: That is a fair point. We should ask Ross Finnie.

Alex Fergusson: I am glad that you think that it is fair.

Dr Murray: A more general issue is involved, because the committee must report by next Monday. I do not have much knowledge of sheep, so I did not spot any of the contentious issues. I know that the holiday period has just passed, but I am concerned that we received the instrument so late that we could not meet officials from the Scottish Executive rural affairs department to clarify some of the points that have been raised.

Richard Lochhead: I support Dr Murray's last comments. The regulations were signed on 23 November, yet here we are in the middle of January, seeing them with only a couple of days' notice. We should take up that issue. This is not the first time that that has happened.

Rhoda Grant: May I have clarification about what we can do? I gather that if we do not agree to the instrument, nothing will fill its place and there could be a problem. What options do we have?

Alex Fergusson: If what Rhoda Grant says is correct and the whole system will grind to a halt if we do not pass the regulations, that will be unacceptable to the sheep trade. The export market has just begun to take off on the back of fears about BSE on the continent. Sheep prices are showing a healthy return. Nothing should be done to put that off.

I support what Elaine Murray said about timing. It is unacceptable that we cannot question anybody about the instrument.

The Convener: The instrument was circulated to members in advance of the Christmas break. However, interest among representative bodies and in some sections of the agriculture press has built up over that time. That has brought the issues more to the fore. The concern has been expressed at the last minute. As Rhoda Grant and Alex Fergusson said, we have a potential problem—not passing the regulation could give rise to damaging effects on the sheep industry, which must conform with European regulations to maintain our exports. Is the committee content to approve the regulations and enter into further correspondence on the general issues that they raise about the drafting of regulations?

Mr Rumbles: Alex Fergusson made a good

point, which is why I pursued it. I would like to know the answers to the questions he raised about the powers of inspection. I do not want to know just about the general point on time scales. I would like the Scottish Executive to respond to Alex's questions.

The Convener: With the suggested provisions for further action, is the committee content to make no recommendation in its report to Parliament on the regulations?

Members indicated agreement.

The Convener: We must now consider the Common Agricultural Policy Support Schemes (Modulation) (Scotland) Regulations 2000. As I said, the Subordinate Legislation Committee's report recommended that we might wish to

"consider asking the Executive for further clarification on the status of these deductions"—

the money that is deducted through modulation. Are there any comments on that? I am content that I understand what the status of the deductions is. We have all discussed the modulation proposals on several occasions. Some of us may have offered the odd objection occasionally, but we all understand what the regulations mean.

Fergus Ewing: I have a point of clarification, which concerns the plight of crofters and hill farmers in less favoured areas. Regulation 5 allows the Scottish ministers to apply the sums that are deducted by the method of modulation for the purposes of early retirement; less favoured areas and areas with environmental restrictions; agri-environment; or afforestation. They are all worthy purposes.

Since the regulations were first thought of, the deal for less favoured areas has been implemented. There is cross-party concern that that deal may cause severe hardship for many crofters and small hill farmers. Could we ask for a statement of the Executive's policy on the application of regulation 5 and of its policy and plans for which of the four areas will benefit? We need to know whether they will benefit equally or whether the Executive plans to direct the modulation moneys towards crofters and small hill farmers, as it is entitled to do under paragraph (b) and possibly also under paragraph (c).

I know that this is a complex issue, but I would certainly be interested in an early indication as to the Executive's policy thinking. I hope that the committee will be able to participate in the policy-formulation process to ensure that we can help crofters and small hill farmers in the difficult times that lie ahead.

15:00

The Convener: If I remember correctly, we had

a statement from the minister on this, in which he clarified his intentions. He intends to use the money that is raised for items covered by paragraphs (b), (c) and (d), but not for those covered by paragraph (a). I would certainly be interested in getting further clarification of the minister's intentions in the terms that Fergus Ewing has described.

In the light of those comments, are members content to make no recommendation on the instrument in our report to Parliament?

Members *indicated agreement.*

Work Programme

The Convener: Item 5 concerns the committee's work programme, on which a paper has been circulated. This item gives new members of the committee the opportunity to give us their input into the forward work programme, although we already have a fairly busy schedule ahead of us.

The legislative programme is largely outwith our control and will continue to form a substantial part of the committee's work. I would be grateful for any comments on the inquiries programme. We may also want to follow up on the land reform visit that we made last spring. Because of delays in the progress of land reform legislation, that has not been the priority that we thought it would be. In the nearer future, we will also have to focus on plans for our agriculture inquiry. Are there any general comments?

Richard Lochhead: The salmon farming inquiry is supposed to be on our agenda somewhere. I would like clarification about the time scale. In the light of the recent BBC programme on the subject, which I think we all agree made a useful contribution to the debate, although some aspects of it were certainly over the top, interest in and concern about salmon farming have been heightened. I think that we should push it up our agenda as soon as possible.

The Convener: The Transport and the Environment Committee will discuss the inquiry on Wednesday 24 January. It would be inappropriate for us to progress without working hand in hand with that committee. As I have said, I hope that members of the Transport and the Environment Committee will want to meet jointly with this committee to consider how to progress. I am somewhat surprised that the issue has not appeared on that committee's agenda before now, but it is sensible to work hand in hand with that committee, given that we have worked jointly until now.

Richard Lochhead: As soon as possible after the Transport and the Environment Committee has considered the matter, it should come back on to our agenda.

The Convener: Indeed. Do members agree that, at the next meeting of this committee after the Transport and the Environment Committee has considered the matter, the salmon farming inquiry should be on our agenda so that we can discuss how to progress jointly with members of that committee?

Mr Rumbles: Could you refresh my memory—and perhaps inform the new members of the committee as well—whether the Transport and the

Environment Committee agreed that an independent inquiry should be launched by the Scottish Executive. Is that what was decided?

The Convener: Yes.

Rhoda Grant: So why do we have to discuss it again?

Richard Lochhead: Because we have not agreed formally on the recommendation.

The Convener: This committee has accepted the recommendation. However, the reporters were jointly appointed by this committee and by the Transport and the Environment Committee. It is therefore necessary and courteous of us to take the opportunity to ensure that we include the views of the Transport and the Environment Committee. That committee might choose not to agree with us, but should have the opportunity to say so.

Rhoda Grant: If that committee agrees with us, I suggest that we do not discuss the matter again but write to the Executive to ask that the matter be given a high priority. We do not need to meet simply to make that decision. If the Transport and the Environment Committee comes up with a recommendation that is totally different from ours, we should meet the members of that committee as soon as possible to decide how to progress the situation.

The Convener: That is a sensible suggestion and is how I would progress the situation.

Mr Stone: I want to talk about a slightly different subject, if I may. Although I am, as I freely admit, an outsider coming into this committee, I was thinking about the forward work programme. The issue of land reform will come before the committee eventually. That issue will hit hardest in the Highlands, although it will affect the Borders and the lowlands as well.

Some aspects of the workings of the Crofters Commission, including the right to buy and property development, have been raised with me fairly frequently—I dare say Fergus Ewing will have had the same sort of representations from crofting communities. I know that time is always an issue, but would the committee be willing at some date to consider the north again—perhaps a part of the area other than Assynt? I think that it might be useful to take evidence from the sharp end of land reform.

I fully appreciate that Alex Fergusson's part of the world and all other rural parts of Scotland have a pull on the committee, but I mentioned my proposal to the clerks several months ago, before I even dared hope that I would be a member of the committee.

The Convener: It is likely that there might be some legislation concerning crofting law later in

the year. Given the experience of the issues that you and Fergus Ewing have, I would be delighted if you would give me a considered recommendation that could be put to the committee.

Mr Stone: So the ball is in our court. I am happy to do that, if I have Fergus Ewing's agreement.

Fergus Ewing: I am happy with that. Rhoda Grant also has a substantial involvement in crofting matters. I should point that out in the interests of non-partisan co-operation.

Mr Stone: My apologies, Rhoda. At least there is one gentleman on the committee, although it is not me.

The Convener: I would be delighted to have input on those subjects so we can bring them before the committee for consideration.

Rhoda Grant: We should speak to the Executive to find out how it thinks the legislation will progress. That would help us decide what aspects we want to examine before it comes before us. We need to make time for that before the summer.

The Convener: We will get that on to the agenda at an opportune moment.

Cathy Jamieson: I read with interest the areas that were initially identified for inquiries. One was freight transport. There was a suggestion that it would be considered in consultation with the Transport and the Environment Committee. The issue was also linked to forestry strategy. Has that matter progressed at all? Does the committee still intend to consider it?

The Convener: We have touched on the matter in the context of other issues. It is on our list of priorities.

Cathy Jamieson: I would like it to be on the list of priorities and I would like action to be taken on it at some point, although I appreciate the point that the committee's work load will be determined by the legislative programme.

Alex Fergusson: I support that, convener. Freight and forestry is of huge significance in the south of Scotland and further afield. It is a relevant issue.

Mr Rumbles: I would like to know how many bills we are likely to work on in the raft of land reform legislation proposals that will arrive in the spring. Can you give us an idea?

The Convener: If I gave you a piece of string you could measure it.

As we are all aware, there is a land reform programme and several bills will be introduced as part of that. As yet, we have no idea whether the

Rural Development Committee will be the lead committee on any of those bills. That decision will not be taken until the bills are introduced. We do not know what the time scale will be, given that certain items in the programme have slipped considerably. Although we can consider the list of possibilities and make projections, it is clear that some matters are rather further behind schedule than we would like.

Mr Rumbles: Convener, you will represent the Rural Development Committee at the Parliamentary Bureau when the committee's legislative programme and time scales are discussed. As we do not know exactly what those proposals are, when you go into negotiations with the bureau, will you make it clear that we would like to have proper scrutiny of the legislation?

The National Parks (Scotland) Bill and the Salmon Conservation (Scotland) Bill were rushed through—both the committee and the Executive accept that. We should put down a marker to say that we do not want to handle the bills that will be introduced as part of the land reform programme in the same way.

The Convener: I take those remarks to heart.

We must also consider the launch of the report into employment patterns in rural Scotland, which we have been working on for some time. As a result of exchanges of the final draft—on which we have received no comments—we can move towards publication. That should take 10 to 14 days to complete.

Rhoda Grant: I suggest that we have a press launch and that we request committee time in the chamber for a debate.

The Convener: I have had a marker down for committee time in the chamber for some time. I requested that three months ago, before I knew when we would publish the report.

We have launched reports in different ways in the past. We had a press conference—I am not sure that that was much of a success—and a more successful launch at which we invited spokesmen from each party to talk to the press individually. Richard Lochhead and Mike Rumbles were involved in that. Did you find that a more satisfactory way in which to launch a report?

Mr Rumbles: I have mixed views on the matter. The whole committee—with the exception of the new members—has been involved in the issue and I would not want to exclude those who have made some contribution.

Rhoda Grant: The whole committee could attend the launch, with a few members as key speakers.

The Convener: We could organise a small

event—with coffee and sandwiches to encourage the press to attend—attended by past and present committee members. The press could see the report and ask us questions on a relatively informal basis.

Richard Lochhead: We could put out a press release with a comment from each party. That could go along with a photocall.

The Convener: Yes. I have been reminded that we should also invite Mark Shucksmith to the event. Are we content to move along with that?

Members indicated agreement.

15:15

The Convener: The time scale for that is between 10 and 14 days. We will provide an exact date at the earliest possible convenience.

Other issues that I have on my list to address include the preparatory work on the budget. We seem to have finished that only recently, but the time has come for us to begin considering it again. Would it be appropriate to ask the clerk to produce a paper on how the committee might approach the budget process in the coming year, given that we have had one or two problems and contentious issues on it before?

Members indicated agreement.

The Convener: May was initially suggested as a deadline for that work, but the clerk has gone a bit quiet about that. An early paper on that will help us to decide how we want to proceed.

Also on our agenda is consideration of the document "Rural Scotland: A New Approach". I have suggested to members that I would like to invite the minister to the committee to discuss that document, perhaps allowing us some input and giving us the benefit of his thinking on it at this stage.

Richard Lochhead: We should also ask the minister why the name of this committee has changed.

The Convener: You are welcome to do so.

That meeting may provide the opportunity for us to discuss with the Minister for Rural Development—as he now is—the issues that are being dealt with by the cross-cutting Executive committee on rural development, which we know exists and meets but which does not have the close relationship with the work of this committee that other aspects of rural development work have. I would like to ask the minister one or two questions about that part of his role. A tentative date of late March has been suggested for that meeting. Is that agreed?

Members indicated agreement.

Agriculture Inquiry

The Convener: The final item on the agenda is the agriculture inquiry, on which a paper has been prepared by the Scottish Parliament information centre. It has been suggested that, for us to understand better what SPICe is capable of achieving and to determine how we might make progress on this issue, we might organise a seminar involving the committee and the SPICe researchers. I am informed that it would be possible for us to avoid a formal meeting next week and hold that informal seminar on the agriculture inquiry as a substitute. Are we agreed?

Members indicated agreement.

The Convener: Is there anything else to discuss at this point?

The other point that is raised in the paper is monitoring progress on research, and on the appointment of a reporter to take care of that work, which we must do in formal rather than informal meetings. Do members wish to appoint such a reporter?

Rhoda Grant: I do not understand what that reporter's role would be. Surely reports would come back to the committee, which we would discuss to feed in our views. It is our inquiry and we must take part in it.

The Convener: We have appointed reporters before to monitor the early stages of a report. If you recall, Rhoda, you were one of the reporters for the committee's inquiry into the impact of changing employment patterns in rural Scotland.

Rhoda Grant: No, I was not. In any event, I thought that the role of those reporters was simply to pull together the remit of the inquiry and to come back with a paper such as the one that is in front of us today.

Dr Murray: If my memory serves me correctly, we appointed two reporters—Cathy Peattie and Irene McGugan—at the beginning of the inquiry into changing employment patterns and their role was to draw together the draft remit and to agree the tender. They did not monitor the progress of the inquiry—they were involved in drawing up the tender because of their backgrounds. I would have thought it unusual for a reporter to monitor the progress of research.

The Convener: We can pass on that suggestion at this stage and come back to it if it becomes a relevant issue.

The paper contains a revised time scale for the inquiry. I do not think that SPICe would be able to achieve a shorter time scale and the time scale that is outlined in the paper is the one that SPICe

can match. Do members approve the time scale in the paper?

Members indicated agreement.

The Convener: The last point is Fergus Ewing's suggestion that we might wish to proceed with one-day inquiries into specific issues.

Fergus Ewing: My suggestion was related to the plight of crofters and small hill farmers. For the reasons that I gave before, their plight is of pressing concern and I know that members of all parties have expressed concern in the Parliament about that in various ways. Holding a one-day inquiry to take evidence from witnesses such as the National Farmers Union of Scotland, the Scottish Crofters Union and others would be a useful way of getting an early indication of how we might move forward and find solutions to the problems that lie ahead.

However, we must consider carefully the timing of that inquiry. I would like to take evidence in about a month or two, after we obtain clarification from the Executive. Another way of approaching the matter would be to incorporate such an inquiry into the agriculture inquiry, provided that we have the opportunity to conduct that inquiry. The difficulty is working out the timetable. I hope that other members agree that the issue merits a fairly urgent inquiry.

Rhoda Grant: I agree that it is important for us to investigate the position of crofters and small hill farmers, but I think that we should do so as part of the agriculture inquiry. A lot of Government and EU funding goes into agriculture and we must examine how that funding is being spent and whether it could be better targeted. That fits into the larger inquiry. If we were to hold a separate, short inquiry into crofters and small hill farmers, while we might be able to shed light on the problems, it would be difficult to suggest solutions.

The Convener: Do members think that it would be appropriate to consider the options at our seminar next week?

Members indicated agreement.

The Convener: As there is no further business relevant to the matters that we have discussed today, I thank members for attending what has been an unusual meeting, which was far shorter than usual.

Meeting closed at 15:24.

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